

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JACQUELINE KING,
Plaintiff,

v.

GENERAL MOTORS LLC,
Defendant.

Case No. [24-cv-00040-SI](#)

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS, WITH LEAVE
TO AMEND**

Re: Dkt. No. 10

Before the Court is defendant's motion to dismiss the fourth and fifth causes of action for failure to state a claim. Dkt. No. 10. In response, plaintiff requests leave to file an amended complaint. Dkt. No. 14. The Court notes in particular that plaintiff's responsive brief contains a set of factual allegations—regarding representations that General Motors' Vice-President Steve Hill made about a battery replacement—that is entirely absent from plaintiff's complaint.¹

Pursuant to Civil Local Rule 7-1(b), and after careful consideration of the parties' written submissions, the Court concludes oral argument is not required and **VACATES** the hearing set for February 23, 2024. The Court **GRANTS** defendant's motion to dismiss, **WITH LEAVE TO AMEND**.

Plaintiff shall file the First Amended Complaint by March 11, 2024.

The May 10, 2024 case management conference remains on calendar. A joint case

¹ The Court further notes that the undersigned has addressed many of the parties' arguments on the present motion in the numerous other Chevy Bolt cases that are also presently being litigated by the same attorneys. *See, e.g., Swearingen v. General Motors LLC*, No. 23-cv-04314-SI, Dkt. No. 33 (Order Granting Defendant's Motion to Dismiss Plaintiffs' Complaint with Leave to Amend).

management statement is due one week in advance.

IT IS SO ORDERED.

Dated: February 20, 2024

A handwritten signature in black ink, reading "Susan Illston", written over a horizontal line.

SUSAN ILLSTON
United States District Judge